

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NICHOLAS A. OWOYEMI,

Plaintiff,

-against -

CREDIT CORP SOLUTIONS INC.,

Defendant.
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1:21-cv-8021-GHW

ORDER ADOPTING REPORT &
RECOMMENDATION

Nicholas A. Owoyemi, proceeding *pro se*, brought this action against Credit Corp Solutions Inc. On March 7, 2022, Judge Robert W. Lehrburger filed a report and recommendation (the “Report”) recommending that this Court dismiss Plaintiff’s claims. The Plaintiff did not file any objections to Judge Lehrburger’s report. Because I find no clear error, I adopt Judge Lehrburger’s report in its entirety.

Plaintiff initially filed his complaint in New York state court on August 26, 2021. Dkt. No. 1. Defendant removed the case to federal court on September 27, 2021. *Id.* Plaintiff alleges that “Defendant wrongfully filed a derogatory credit report with the credit reporting agencies, namely, Experian, Equifax, and Transunion against Plaintiff.” Dkt. No. 1, Ex. 1 (“Compl.”) ¶ 3. This derogatory report has “damaged Plaintiff’s credit worthiness” and led his employer to threaten to “terminate Plaintiff if the credit report remains unresolved.” Compl. ¶¶ 5, 9. Because Defendant “has declined to remove such derogatory reports with the credit bureaus” Plaintiff filed this action asking that the court order “Defendant to remove the derogatory credit report from all the three national credit bureaus.” Compl. ¶ 4 and at pg. 2.

On November 22, 2021, the defendant moved to dismiss the complaint. Dkt. No. 15. Judge Lehrburger issued his Report on March 7, 2022, recommending the dismissal of Plaintiff’s action and denying Plaintiff leave to amend his claims, with the exception of his claim brought under the Fair

Credit Reporting Act (“FCRA”) § 1681s-2(b). Dkt. No. 26. Plaintiff did not file objections to Judge Lehrburger’s Report.

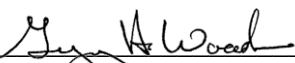
A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within fourteen days of receiving a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). When a party timely objects to a magistrate’s report and recommendation, a district court reviews de novo “those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). The Court reviews for clear error those parts of the report and recommendation to which no party has timely objected. 28 U.S.C. § 636(b)(1)(A); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

Because Plaintiff did not file objections to Judge Lehrburger’s Report, the Court reviews the Report only for clear error. The Court has reviewed Judge Lehrburger’s recommendations for clear error and finds none. Therefore, the Court adopts Judge Lehrburger’s report in its entirety. Accordingly, Plaintiff’s claims brought pursuant to the New York Fair Credit Reporting Act, the Fair Debt Collection Practices Act, and Section 1681s-2(a)(1) of the FCRA are dismissed with prejudice, as is Plaintiff’s request for injunctive relief. In addition, the Court adopts Judge Lehrburger’s recommendation that this case not be remanded to state court. Plaintiff’s claim pursuant to Section 1681s-2(b) of the FCRA is dismissed without prejudice. Any amended complaint as to Plaintiff’s FCRA § 1681s-2(b) claim must be filed no later than fourteen days from the date of this order.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 15 and to mail a copy of this order by first class and certified mail to Plaintiff.

SO ORDERED.

Dated: March 31, 2022
New York, New York



GREGORY H. WOODS
United States District Judge